

REMARKS

In response to the Office Action mailed March 31, 2009, the new Assignee (i.e., Nuance Communications, Inc) respectfully requests reconsideration. Claims 1-29 were previously pending in this application. By this amendment, claims 1-20 have been amended. Claims 21-29 have been canceled without prejudice or disclaimer. No claims have been added. As a result, claims 1-20 are pending for examination, with claims 1 and 11 being independent.

I. Claims Objections

Claims 21-29 are objected to for using the term “having” rather than “including.” Claims 21-29 are canceled. Therefore, the objection is now moot and the Assignee respectfully requests that the objection be withdrawn.

II. Rejections Under 35 U.S.C. §101

The Office Action rejects claims 1-10 under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. While the Assignee does not accede to the correctness of the rejection, claims 1-10 have been amended to recite an apparatus comprising at least one programmed computer. Thus, claims 1-10 are directed to a “machine” as authorized under 35 U.S.C. 101, and the Assignee respectfully requests that the rejection be withdrawn.

III. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1-29 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicant has amended the claims to address the Examiner’s concern. Independent claims 1, 11 and 21 have been amended to recite that “text [in the speech application program] indicating content of planned audio segments that are intended to be recorded” is being identified as well as “associated file names for use in naming files to store actual audio segments after the respective planned audio segments have been recorded.” Thus, as amended, the claims clearly recite that the filenames are names that will be used for corresponding files once the audio

has been recorded. Claims 2-10 and 12-20 have been amended to make the language consistent with independent claims 1 and 11, respectively.

Claims 21-29 are rejected as allegedly being incomplete for omitting essential elements. While Applicant does not agree with the rejection, claims 21-29 have been canceled and the rejection of these claims is now moot.

Accordingly, the Assignee respectfully requests that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

IV. Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 10-11 and 20-21 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Publication No. 2004/0254792 (Busayapongchai). Applicant respectfully traverses this rejection.

A. Overview of Embodiments

In the development of some interactive voice response (IVR) applications, a designer may write the source code describing how the IVR is to operate even before the audio segments that will ultimately be used in the IVR application have been recorded (paragraphs [0002], [0003]). For example, an IVR designer may code a speech application using VoiceXML and indicate with the appropriate tags what sentences or prompts should be recorded and also reference a filename to use for the file that will store the audio once recorded (paragraph [0021]). The audio segments are often recorded by having a voice talent record the utterances by reading the text describing the utterances as defined in the source code (paragraph [0003]). Manually searching through the source code to identify both the text to be spoken to record corresponding audio segments and the filenames under which the recorded audio segments should be stored can be tedious and time-intensive (paragraph [0003]).

Applicant has appreciated that automating the process of identifying and extracting the text indicating content for planned audio segments and the filenames for use in storing the audio once recorded may make the process of recording the planned audio segments by a voice talent easier and more efficient (paragraph [0021]). In some embodiments, the extracted text describing the content of the planned audio segments and the corresponding filenames for use in naming the files to store

the recorded audio are stored in a created recordation plan. Thus, the recordation plan contains the content of the planned audio segments along with the filenames for storing the audio as referenced in the source code of the voice application. As a result, the voice talent need only recite the content in the recordation plan and save the recorded audio under the associated filenames without having to manually extract the text and maintain the information in association with the correct filenames.

The foregoing summary is provided to assist the Examiner in appreciating some applications for various aspects of the invention. However, this summary may not apply to each of the independent claims, and the language of the independent claims may differ in material respects from the summary provided above. Thus, the Assignee respectfully requests that careful consideration be given to the language of each of the independent claims and that each be addressed on its own merits, without relying on the summary provided above. In this respect, the Assignee does not rely on the summary provided above to distinguish any of the claims over the prior art. Rather, the Assignee relies only upon the arguments provided below.

B. Overview of Busayapongchai

Busayapongchai is directed to methods and systems for automating the assembly of audio files for use in voice interactive services (Abstract). Busayapongchai states that in prior art systems, developers had to manually search a database of audio files or audio file statement segments to locate desired audio files for use in a voice interactive service (paragraph [0005]). In addition, because a developer may require a specific voice (e.g., a female adult, a male adult, a child voice, etc.), the developer would have to listen to numerous recorded audio files to determine which audio file is most appropriate (paragraph [0005]). The process of manually searching and selecting audio files from a database of audio files is tedious, time consuming and error prone (paragraph [0005]).

Busayapongchai replaces this manual search with methods and apparatus that automatically search through a database of audio recordings to select one or more audio segments that may be appropriate. If more than one audio segment is identified, the audio segments may be presented to the developer to decide which audio segment to use (paragraphs [0007], [0008]). It should be appreciated that the audio segments in the database of Busayapongchai are *already recorded* and the automation in Busayopongchai is related to searching this database to identify appropriate pre-recorded audio segments so that the designer does not have to manually perform this operation.

C. The Claims, As Amended, Patentably Distinguish Over Busayapongchai

As discussed above, Busayapongchai is directed to reducing the tedium of manually searching a database of pre-recorded audio segments by automating the search process. Busayapongchai does not describe creating a recordation plan to assist a speaker in recording the planned audio segments, the recordation plan comprising a file that stores, in association, the text indicating the content of the planned audio segments and the corresponding file names of files to store actual audio segments recorded by the speaker uttering the content of the respective planned audio segments. Indeed, in Busayapongchai, the only time that audio segments are recorded are in circumstances where no appropriate pre-recorded audio can be located in the database. In such circumstances, Busayapongchai handles the recording of new audio in the conventional fashion. In particular, paragraph [0038] of Busayapongchai states, relevant part:

Referring back to step 344, if the developer does not find the combination of located audio file references acceptable or otherwise satisfactory, the method proceeds to step 348, and a manual development process may be performed by the developer. That is, the developer may decide that a voice talent such as a male adult speaker must be obtained who will record a new audio file that is satisfactory to the developer. Or, the developer may determine that the voice talent is required only to record a new audio file segment for combining with previously recorded audio file segments located in the recording library 140. Once the manual process is completed, an audio file name associated with the manually created audio file is populated into the VoiceXML script, as described above with reference to step 346.

When a satisfactory audio file is not found in the database, a voice talent is used to record a new audio file. Busayapongchai states nothing more on how this “manual process” is performed. Indeed, Busayapongchai is completely silent with respect to creating a recordation plan to assist a speaker in recording the planned audio segments, the recordation plan comprising a file that stores, in association, the text indicating the content of the planned audio segments and the corresponding file names of files to store actual audio segments generated by recording the speaker speaking the content of the respective planned audio segments.

i. Claims 1-20

Claim 1 recites an apparatus and claim 11 recites at least one computer readable medium storing a program that when executed performs a method for assisting a speaker in recording planned audio segments for a speech application program. The apparatus of claim 1 comprises at least one computer programmed to implement the acts recited in method claim 11, which comprise:

identifying text in the speech application program, the text indicating content of planned audio segments that are intended to be recorded and identifying associated file names for files storing actual audio segments after the respective planned audio segments have been recorded;

extracting the text and the associated filenames from the speech application program;
and

creating a recordation plan to assist a speaker in recording the planned audio segments, the recordation plan comprising a file that stores, in association, each extracted text indicating the content of the planned audio segments and the corresponding file names for files to store actual audio segments recorded by the speaker uttering the content of the respective planned audio segments.

As discussed above, Busayapongchai nowhere discloses or suggests at least the above emphasized limitation recited in claims 1 and 11. Therefore, claims 1 and 11 patentably distinguish over Busayapongchai and are in allowable condition. Claims 2-10 and 12-20 depend from claims 1 and 11, respectively, and are allowable for at least the same reasons.

V. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.

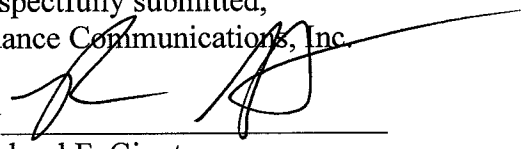
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70569US00.

Dated: 6/30/09

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